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Preparatory Commission for the International Criminal Court

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Proceedings of the Preparatory Commission at its sixth session (27 November-8 December 2000)

Draft summary

Rapporteur: Mr. Salah **Suheimat** (Jordan)

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, met at United Nations Headquarters from 27 November to 8 December 2000, in accordance with General Assembly resolution 54/105 of 9 December 1999.

2. In accordance with paragraph 2 of resolution F of the Conference, the Preparatory Commission consists of representatives of States which signed the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and other States which were invited to participate in the Conference.

3. Under paragraph 3 of General Assembly resolution 54/105, the Secretary-General was requested to convene the Preparatory Commission, in accordance with resolution F of the Conference, from 13 to 31 March, 12 to 30 June and 27 November to 8 December 2000, to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court.

4. In accordance with paragraph 5 of resolution 54/105, the Secretary-General invited, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions, to participate in the capacity of observers in its sessions and work, and also invited as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and for Rwanda.

5. Under paragraph 6 of the same resolution, non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates.

6. The Bureau of the Preparatory Commission, elected at its 1st and 2nd meetings, on 16 and 22 February 1999, continued its work with the following composition:

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Chairman:
Mr. Philippe Kirsch (Canada)

Vice-Chairmen:
Mr. George Winston McKenzie (Trinidad and Tobago)

Mr. Medard R. Rwelamira (South Africa)

Mr. Muhamed Sacirbey (Bosnia and Herzegovina)

Rapporteur:
Mr. Salah Suheimat (Jordan)

7. The Director of the Codification Division of the Office of Legal Affairs, Mr. Václav Mikulka, acted as Secretary of the Preparatory Commission. The Codification Division provided the substantive servicing for the Commission.

8. At its sixth session, the Preparatory Commission proceeded with its work on the basis of its agenda (PCNICC/1999/L.1), adopted on 16 February 1999.

9. In accordance with the decision taken at its 22nd meeting, on 28 June 2000, the Preparatory Commission agreed on a work plan for the sixth session providing for the consideration, in addition to the crime of aggression, of the following three new items in the three new Working Groups established at the same meeting as well as in informal consultations: the Relationship Agreement between the Court and the United Nations; the Financial Regulations and Rules of the Court; and the Agreement on the Privileges and Immunities of the Court.

10. In order to facilitate the tasks of the Preparatory Commission with regard to the above items, at its sixth session, at the 24th meeting, on 27 November 2000, the Chairman announced that Mr. Tuvako Manongi (United Republic of Tanzania) would continue as coordinator for the crime of aggression and, in consultation with the Bureau, designated the following coordinators for the new items:

- Mr. Cristian Maquieira (Chile) for the Relationship Agreement between the Court and the United Nations;
- Mr. Georg Witschel (Germany) for the Financial Regulations and Rules of the Court;
- Mr. Phakiso Mochochoco (Lesotho) for the Agreement on the Privileges and Immunities of the Court.

11. At its 26th meeting, on 8 December 2000, the Preparatory Commission took note of the oral reports of the coordinators for the four items considered at the sixth session.

12. At the same meeting, for ease of reference of delegations, the Commission requested the Secretariat to prepare a document on the basis of the oral reports of the coordinators and to annex it to the proceedings of the sixth session.

13. At its 25th meeting, on 1 December 2000, the Preparatory Commission, recalling the admission to membership in the United Nations of the Federal Republic of Yugoslavia in accordance with General Assembly resolution 55/12 of 1 November 2000, decided that the Federal Republic of Yugoslavia would participate in the Preparatory Commission.

14. In order to facilitate the tasks of the Preparatory Commission at future sessions, at the 25th meeting, on 1 December 2000, the Chairman, in consultation with the Bureau, designated the following contact points for the remaining items:

- Mr. Saeid Mirzaee-Yengejeh (Islamic Republic of Iran) for the Rules of Procedure of the Assembly of States Parties and for a budget for the first financial year;
- Mr. Zsolt Hetesy (Hungary) for the basic principles governing a Headquarters Agreement to be negotiated between the Court and the host country and for general issues.

15. At its 26th meeting, on 8 December 2000, the Preparatory Commission decided, in accordance with its mandate under resolution F of the Rome Conference, to consider at its seventh session, in addition to the four items considered at its sixth session, the [...] At the same meeting, the Preparatory Commission also decided to establish a working group on the new item.

16. The list of documents relating to the four items considered at the sixth session is contained in annex I to the present document. The list of documents also includes the finalized draft texts of the Rules of Procedure and Evidence and the Elements of Crimes contained in the report of the Preparatory Commission (document PCNICC/2000/1 and Add.1 and 2) adopted at its fifth session, at its 23rd meeting, on 30 June 2000, which incorporate the linguistic corrections submitted by delegations to the Secretariat by 15

October 2000, in accordance with the decision of the Preparatory Commission at its fifth session, at its 22nd meeting, on 28 June 2000.

17. The Preparatory Commission noted with satisfaction that, during its first to sixth sessions, a total of 90 delegates, including 17 delegates at its sixth session, had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105 of 8 December 1998, had been established to facilitate the participation of the least developed countries in the work of the Commission.